

ASSEMBLY BILL

No. 767

Introduced by Assembly Member Mullin

February 18, 2005

An act to amend Section 25608 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 767, as introduced, Mullin. Alcoholic beverages: places of consumption.

Existing law generally prohibits the sale or consumption of alcoholic beverages at a public schoolhouse or any grounds thereof. Existing law provides that this prohibition does not apply if the alcoholic beverage is acquired, possessed, or used at a professional minor league baseball game conducted at the stadium of a community college located in a county with a population of less than 250,000 inhabitants, as specified.

This bill would provide that the prohibition against the sale or consumption of alcoholic beverage on the grounds of a public schoolhouse does not apply if the grounds on which the alcoholic beverage is acquired, possessed, used, or consumed is property that has been developed and is used for residential facilities or housing that is offered for rent, lease, or sale exclusively to faculty or staff of a public school or community college district.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 25608 of the Business and Professions Code is amended to read:

25608. Every person who possesses, consumes, sells, gives, or delivers to any other person, any alcoholic beverage in or on any public schoolhouse or any of the grounds thereof, is guilty of a misdemeanor. This section does not, however, make it unlawful for any person to acquire, possess, or use any alcoholic beverage in or on any public schoolhouse, or on any grounds thereof, if any of the following applies:

(a) The alcoholic beverage is acquired, possessed, or used in connection with a course of instruction given at the school and the person has been authorized to acquire, possess, or use it by the governing body or other administrative head of the school.

(b) The public schoolhouse is surplus school property and the grounds thereof are leased to a lessee which is a general law city with a population of less than 50,000, or the public schoolhouse is surplus school property and the grounds thereof are located in an unincorporated area and are leased to a lessee which is a civic organization, and the property is to be used for community center purposes and no public school education is to be conducted thereon by either the lessor or the lessee and the property is not being used by persons under the age of 21 years for recreational purposes at any time during which alcoholic beverages are being sold or consumed on the premises.

(c) The alcoholic beverages are acquired, possessed, or used during events at a college-owned or college-operated veterans stadium with a capacity of over 12,000 people, located in a county with a population of over six million people. As used in this subdivision, "events" mean football games sponsored by a college, other than a public community college, or other events sponsored by noncollege groups.

(d) The alcoholic beverages are acquired, possessed, or used during an event not sponsored by any college at a performing arts facility built on property owned by a community college district and leased to a nonprofit organization which is a public benefit corporation formed under Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code. As used

1 in this subdivision, “performing arts facility” means an
2 auditorium with more than 300 permanent seats.

3 (e) The alcoholic beverage is wine for sacramental or other
4 religious purposes and is used only during authorized religious
5 services held on or before January 1, 1995.

6 (f) The alcoholic beverages are acquired, possessed, or used
7 during an event at a community center owned by a community
8 services district and the event is not held at a time when students
9 are attending a public school sponsored activity at the center.

10 (g) The alcoholic beverage is wine which is acquired,
11 possessed, or used during an event sponsored by a community
12 college district or an organization operated for the benefit of the
13 community college district where the college district maintains
14 both an instructional program in viticulture on no less than five
15 acres of land owned by the district and an instructional program
16 in enology, which includes sales and marketing.

17 (h) The alcoholic beverage is acquired, possessed, or used at a
18 professional minor league baseball game conducted at the
19 stadium of a community college located in a county with a
20 population of less than 250,000 inhabitants, and the baseball
21 game is conducted pursuant to a contract between the community
22 college district and a professional sports organization.

23 (i) The alcoholic beverages are acquired, possessed, or used
24 during events at a college-owned or college-operated stadium or
25 other facility. As used in this subdivision, “events” means
26 fundraisers held to benefit a nonprofit corporation that has
27 obtained a license pursuant to this division for the event.
28 “Events” does not include football games or other athletic
29 contests sponsored by any college or public community college.
30 This subdivision shall not apply to any public education facility
31 in which any grade from kindergarten to grade 12, inclusive, is
32 schooled.

33 (j) The alcoholic beverages are possessed, consumed, or sold,
34 pursuant to a license obtained under this division, for an event
35 during the weekend or at other times when pupils are not on the
36 grounds of an overnight retreat facility owned and operated by a
37 county office of education in a county of the 18th class.

38 (k) *The grounds of the public schoolhouse on which the*
39 *alcoholic beverage is acquired, possessed, used, or consumed is*
40 *property that has been developed and is used for residential*

1 *facilities or housing that is offered for rent, lease, or sale*
2 *exclusively to faculty or staff of a public school or community*
3 *college district.*

4 Any person convicted of a violation of this section shall, in
5 addition to the penalty imposed for the misdemeanor, be barred
6 from having or receiving any privilege of the use of public school
7 property which is accorded by Article 2 (commencing with
8 Section 82537) of Chapter 8 of Part 49 of the Education Code.

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